

Attorney Docket No. 05213-0075
KS#43170-219382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
HOLADAY ET AL.)	
Serial No.: 09/266,543)	Art Unit: 1642
Filed: March 11, 1999)	Examiner: A. Holleran
For: COMPOSITION AND METHODS)	
FOR TREATING CANCER AND)	
HYPERPROLIFERATIVE)	

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO SECOND RESTRICTION REQUIREMENT
(ELECTION OF SPECIES)

Sir:

In response to the Office Action mailed December 4, 2000, kindly consider the appended remarks. A Change of Correspondence Address is included with this facsimile transmission as a separate document.

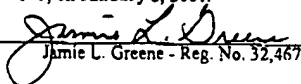
REMARKS

In the Office Action mailed December 4, 2000, the Examiner acknowledged applicants' Response to Restriction Requirement dated September 14, 2000. However, the Examiner further required an election of species in several groupings of the claims elected in the Restriction Requirement.

In particular, the Examiner required the election of a single carrier in Claims 4/7/8, 14/17/18 and 24/26/27 from the fourteen carriers recited in Claims 7/8, 17/18 and 26/27. Applicants respectfully elect the species "liposomes" in these claims.

The Examiner also required the election of a single species in Claims 4/9, 14/19 and 24/28 from the species "(a) adjuvants, (b) preservatives, (c) diluents, (d) emulsifiers and stabilizers. Applicants respectfully elect the species "(a) adjuvants" in these claims.

I hereby certify that this correspondence is being facsimile transmitted to
(703) 308-4315, on January 3, 2001.


Jamie L. Greene - Reg. No. 32,467

09/266,543

FILED: March 11, 1999

Response to Second Restriction Requirement (Election of Species)

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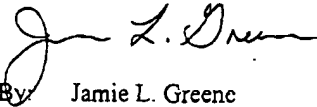
The Examiner noted that if the species "(a) adjuvants" was elected, a further election of a single adjuvant from the eighteen adjuvants recited in Claims 10, 20 and 29 would be required. Therefore, Applicants respectfully elect the species "lipophilic muramyl dipeptide derivatives" in these claims.

The Examiner further required the election of a single species in Claims 4/11 and 14/21 from the hydrophobic moieties recited in Claims 13 and 23. Applicants respectfully elect the species "palmitic acid" in these claims.

Applicants respectfully submit that the foregoing is fully responsive to the Office Action mailed December 4, 2000. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 949-2473 is respectfully solicited.

Respectfully submitted,

KILPATRICK STOCKTON LLP



By: Jamie L. Greene
Registration No. 32,467

Kilpatrick Stockton LLP
2400 Monarch Tower
3424 Peachtree Road
Atlanta, GA 30326
(404) 949-2473
Attorney Docket No. 05213-0075
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January 3, 2001



RESTRICTION ELECTION FACSIMILE TRANSMISSION

15/Jan E
1/5/01

FAX RECEIVED

DATE: January 3, 2001

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FROM/ATTORNEY: Jamie L. Greene - Reg. No. 32,467

GROUP 1600

FIRM: Kilpatrick Stockton, LLP

PAGES, INCLUDING COVERSHEET: 4

OFFICIAL

PHONE NUMBER: 404-949-2400

TO EXAMINER: A. Holleran

ART UNIT: 1642

SERIAL NUMBER: 09/266,543

FAX/TELECOPIER NUMBER: (703) 308-4315

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